

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:19-cv-01318-TNM**

CENTER FOR BIOLOGICAL DIVERSITY v. U.S.  
ENVIRONMENTAL PROTECTION AGENCY et al  
Assigned to: Judge Trevor N. McFadden  
Cause: 05:552 Freedom of Information Act

Date Filed: 05/07/2019  
Jury Demand: None  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**CENTER FOR BIOLOGICAL  
DIVERSITY**

represented by **Jonathan Carter Evans**  
CENTER FOR BIOLOGICAL  
DIVERSITY  
1212 Broadway  
Suite 800  
Oakland, CA 94612  
(510) 844-7118  
Email: [jevans@biologicaldiversity.org](mailto:jevans@biologicaldiversity.org)  
**ATTORNEY TO BE NOTICED**

**Hannah Mary Margaret Connor**  
CENTER FOR BIOLOGICAL  
DIVERSITY  
P.O. Box 2155  
St. Petersburg, FL 33731  
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**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**U.S. ENVIRONMENTAL  
PROTECTION AGENCY**

represented by **John Cuong Truong**  
U.S. ATTORNEY'S OFFICE FOR THE  
DISTRICT OF COLUMBIA  
555 Fourth Street, NW  
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(202) 252-2524  
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Email: [john.truong@usdoj.gov](mailto:john.truong@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**U.S. DEPARTMENT OF  
AGRICULTURE**

represented by **John Cuong Truong**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**U.S. FISH AND WILDLIFE SERVICE**

represented by **John Cuong Truong**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

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| Date Filed | # | Docket Text |
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| 05/07/2019 | <u>1</u>  | COMPLAINT against All Defendants ( Filing fee \$ 400 receipt number 0090-6107071) filed by CENTER FOR BIOLOGICAL DIVERSITY. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons United States Attorney, # <u>3</u> Summons Attorney General, # <u>4</u> Summons Environmental Protection Agency, # <u>5</u> Summons Fish and Wildlife Service, # <u>6</u> Summons Department of Agriculture)(Connor, Hannah) (Entered: 05/07/2019)                   |
| 05/07/2019 | <u>2</u>  | LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by CENTER FOR BIOLOGICAL DIVERSITY (Connor, Hannah) (Entered: 05/07/2019)   |
| 05/07/2019 | <u>3</u>  | MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Jonathan Carter Evans, :Firm- Center for Biological Diversity, :Address- 1212 Broadway, Suite 800, Oakland, CA 94612. Phone No. - 510-844-7118. Fax No. - n/a Filing fee \$ 100, receipt number 0090-6107443. Fee Status: Fee Paid. by CENTER FOR BIOLOGICAL DIVERSITY (Attachments: # <u>1</u> Declaration of Jonathan Evans, # <u>2</u> Text of Proposed Order)(Connor, Hannah) (Entered: 05/07/2019) |
| 05/08/2019 |           | Case Assigned to Judge Trevor N. McFadden. (zef, ) (Entered: 05/08/2019)  |
| 05/08/2019 | <u>4</u>  | SUMMONS (5) Issued Electronically as to U.S. DEPARTMENT OF AGRICULTURE, U.S. ENVIRONMENTAL PROTECTION AGENCY, U.S. FISH AND WILDLIFE SERVICE, U.S. Attorney and U.S. Attorney General. (Attachments: # <u>1</u> Notice and Consent)(zef, ) (Entered: 05/08/2019)  |
| 05/08/2019 | <u>5</u>  | STANDING ORDER establishing procedures for cases before Judge Trevor N. McFadden. The parties are directed to read and strictly comply with the attached order. Signed by Judge Trevor N. McFadden on 5/8/2019. (lctnm3) (Entered: 05/08/2019)  |
| 05/08/2019 |           | MINUTE ORDER granting the <u>3</u> Motion for Leave to Appear Pro Hac Vice. Attorney Jonathan Carter Evans shall promptly register for this Court's CM/ECF system. Signed by Judge Trevor N. McFadden on 5/8/2019. (lctnm3) (Entered: 05/08/2019)   |
| 05/08/2019 | <u>6</u>  | NOTICE of Appearance by Jonathan Evans on behalf of CENTER FOR BIOLOGICAL DIVERSITY (Evans, Jonathan) (Entered: 05/08/2019)   |
| 05/24/2019 | <u>7</u>  | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 5/17/2019. Answer due for ALL FEDERAL DEFENDANTS by 6/16/2019. (Attachments: # <u>1</u> Exhibit Certified Mail Return Receipt)(Connor, Hannah) (Entered: 05/24/2019)   |
| 05/24/2019 | <u>8</u>  | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF AGRICULTURE served on 5/16/2019 (Attachments: # <u>1</u> Exhibit Certified Mail Return Receipt)(Connor, Hannah) (Entered: 05/24/2019)   |
| 05/24/2019 | <u>9</u>  | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. ENVIRONMENTAL PROTECTION AGENCY served on 5/16/2019 (Attachments: # <u>1</u> Exhibit Certified Mail Return Receipt)(Connor, Hannah) (Entered: 05/24/2019)   |
| 05/24/2019 | <u>10</u> | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. FISH AND WILDLIFE SERVICE served on 5/17/2019 (Attachments: # <u>1</u> Exhibit Certified Mail Return Receipt)(Connor, Hannah) (Entered: 05/24/2019)   |
| 05/24/2019 | <u>11</u> | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 5/17/2019. (Attachments: # <u>1</u> Exhibit Certified Mail Return Receipt)(Connor, Hannah) (Entered: 05/24/2019)   |
| 06/11/2019 | <u>12</u> | Consent MOTION for Extension of Time to <i>Respond to Complaint</i> by U.S. DEPARTMENT OF AGRICULTURE, U.S. ENVIRONMENTAL PROTECTION AGENCY, U.S. FISH AND WILDLIFE SERVICE (Truong, John) (Entered: 06/11/2019)  |
| 06/12/2019 |           | MINUTE ORDER: Upon consideration of the Defendants' <u>12</u> Consent Motion, it is hereby ORDERED that the Defendants shall file an Answer or responsive pleading on or before July 9, 2019. Signed by Judge Trevor N. McFadden on 6/12/2019. (lctnm3) (Entered: 06/12/2019)   |

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| 06/12/2019 |           | Set/Reset Deadlines: Defendants' Answer or responsive pleading due by 7/9/2019. (hmc) (Entered: 06/12/2019)  |
| 07/10/2019 | <u>13</u> | ANSWER to Complaint by U.S. DEPARTMENT OF AGRICULTURE, U.S. ENVIRONMENTAL PROTECTION AGENCY, U.S. FISH AND WILDLIFE SERVICE.(Truong, John) (Entered: 07/10/2019)   |
| 07/10/2019 |           | MINUTE ORDER: Before the Court are a complaint and an answer in this FOIA case. It is hereby ORDERED that the parties shall meet and confer and file a Joint Status Report proposing a schedule for proceeding in this matter. The schedule should address, among other things, the status of the Plaintiff's FOIA request, the anticipated number of documents responsive to the Plaintiff's FOIA request, the anticipated date(s) for release of the documents requested by the Plaintiff, whether a motion for an <i>Open America</i> stay is likely in this case, whether a <i>Vaughn</i> index will be required in this case, and a briefing schedule for dispositive motions, if required. The parties shall file the Report on or before August 12, 2019. Signed by Judge Trevor N. McFadden on 7/10/2019. (lctnm3) (Entered: 07/10/2019) |
| 07/10/2019 |           | Set/Reset Deadlines: Joint Status Report due by 8/12/2019. (tg) (Entered: 07/10/2019)  |
| 08/12/2019 | <u>14</u> | Joint STATUS REPORT by U.S. DEPARTMENT OF AGRICULTURE, U.S. ENVIRONMENTAL PROTECTION AGENCY, U.S. FISH AND WILDLIFE SERVICE. (Truong, John) (Entered: 08/12/2019)  |
| 08/13/2019 |           | MINUTE ORDER: Upon consideration of the parties' <u>14</u> Joint Status Report, it is hereby ORDERED that the parties shall file another report on or before September 26, 2019. The report shall include the anticipated number of documents responsive to the Plaintiff's FOIA request and an anticipated production schedule for release of the documents. Signed by Judge Trevor N. McFadden on 8/13/2019. (lctnm3) (Entered: 08/13/2019)  |
| 08/13/2019 |           | Set/Reset Deadlines: Joint Status Report due by 9/26/2019. (tg) (Entered: 08/13/2019)  |
| 09/26/2019 | <u>15</u> | Joint STATUS REPORT by U.S. DEPARTMENT OF AGRICULTURE, U.S. ENVIRONMENTAL PROTECTION AGENCY, U.S. FISH AND WILDLIFE SERVICE. (Truong, John) (Entered: 09/26/2019)  |
| 09/26/2019 |           | MINUTE ORDER. Upon consideration of the parties' <u>15</u> Joint Status Report, it is hereby ORDERED that the parties shall file another report on or before November 5, 2019. The report shall provide the Court with a further update regarding the status of the Defendants' document production. Signed by Judge Trevor N. McFadden on 9/26/2019. (lctnm3) (Entered: 09/26/2019)   |
| 09/27/2019 |           | Set/Reset Deadlines: Joint Status Report due by 11/5/2019. (hmc) (Entered: 09/27/2019)   |
| 11/05/2019 | <u>16</u> | Joint STATUS REPORT by U.S. DEPARTMENT OF AGRICULTURE, U.S. ENVIRONMENTAL PROTECTION AGENCY, U.S. FISH AND WILDLIFE SERVICE. (Truong, John) (Entered: 11/05/2019)  |